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EXAMINER
JOHNSON, CARLTON

ART UNIT	PAPER NUMBER
2136	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

MN

Office Action Summary

Application No.

10/698,811

Applicant(s)

ROY ET AL.

Examiner

Carlton V. Johnson

Art Unit

2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responding to application papers filed **5-25-2007**.
2. Claims **1 - 40** are pending. Claims **1, 9, 14, 25, 28, 36** are independent.

Response to Remarks

3. The following is in response to papers filed on 5-11-2007.

3.1 Applicant argues, *"identifying a provider of said type of service"*. (see Remarks Pages 9, 10 and additional pages)

The Janik prior art is a delivery system for digital content utilizing the Internet communications environment. Applicant's remarks indicated that the Janik prior art is performing a requested service. (see Remarks Page 10) In order to perform the service, the type of service to be performed must be identified first and a service provider identified second, then the service can be performed utilizing the digital content.

The term Identifying is defined as, *"to establish the identity of"*, and identity is defined as, *"with the designation of a parameter whereby information, such as an identification number, used to establish or prove individuality"*.

(<http://www.answers.com/topic/identify>; <http://www.answers.com/identity?cat=health>)

The Janik prior art discloses servers (service providers of a service) for the processing of digital content. The service providers are the designated servers identified for the delivery of content to users (clients). A URL or an IP address

designation identifies (identifying) the service providers. (see Janik paragraph [0074], lines 5-11: URL, IP address, identification parameters for server (service provider))

The Janik prior art discloses and identifies the provider of a service.

3.2 Applicant argues, *"identifying a type of service to be performed on an item of content"*, *"performing a service upon a requested item of content"* (see Remarks Pages 9, 10 and additional pages)

The Janik prior art discloses the presentation (processing audio, video content for delivery) and organization of content based on its file type (MP3, MPEG). (see Janik paragraph [0076], lines 1-4: type of service (content preparation) based on content type; paragraph [0109], lines 1-4: content preparation, decoding, encoding) In addition, the delivery of content is a type of service provided by a server (service provider). The Janik prior art discloses identifying the type of service performed on the digital content.

In addition, the Janik prior art discloses identification (identifying) parameters for the content processed by the servers (service providers). (see Janik paragraph [0074], lines 1-5: content identifiers, graphical icons on display screen designate particular content items) And, the Janik prior art discloses a request from a client (user) for access to content. (see Janik paragraph [0037], lines 1-4; paragraph [0073], lines 17-24: selection via graphical icon, selection (request) for access to content)

Applicants own remarks indicate that the Janik prior art is *"performing a requested service"*. (see Remarks Page 10) The Janik prior art discloses performing a service (delivery of content is a service, processing of audio, or video content for

presentation) initiated by a client request.

3.3 Applicant argues, *"flow of information begins at the client device, travels to a portal, and then to a service location manager"; "client device's request for content being communicated to a service location manager"; "portal first point of contact". (see Remarks Pages 9, 10 and additional pages)*

The Janik prior art discloses a portal that is equivalent to a service location manager. The Janik prior art portal is an access point for clients to access the content and services that are located on a distributed set of servers (service providers) within the Internet communications environment. The Janik prior art discloses that the portal is an intermediary system between the servers (service providers) and the clients. (see Janik paragraph [0073], lines 21-24; paragraph [0074], lines 11-14; paragraph [0084], lines 12-17: portal, selection (request) of content from Internet (service providers, servers) by clients) The selection of content is via an icon selection (request) on a graphical user interface for content by a client (user). (see Janik paragraph [0073], lines 17-24; paragraph [0074], lines 5-11: content selection (request) via graphical icons)

3.4 The examiner has considered the applicant's remarks concerning a system for servicing and delivering of content to a client device. A request identifying an item of content and type of service is received at a portal from the client device. A provider of the type of service is identified, and the service provider sends resulting content to the

Art Unit: 2136

client device. Applicant's arguments have thus been fully analyzed and considered but they are not persuasive.

After an additional analysis of the applicant's invention, remarks, and a search of the available prior art, it was determined that the current set of prior art consisting of Janik (20020013852) discloses the applicant's invention including disclosures in Remarks dated May 11, 2007.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims **1 - 40** are rejected under 35 U.S.C. 102(e) as being anticipated by **Janik et al.** (US PG PUB No. **20020013852**).

Regarding Claims 1, 15, 28, 36, Janik discloses a method of servicing content for delivery to a client device, a computer-usable medium having computer-readable program code embodied therein for causing a computer system to perform a method for servicing content for delivery to a client device, a computer-usable medium having computer-readable program code embodied therein for causing a computer system to

Art Unit: 2136

perform a method for servicing content for streaming to a client device said method comprising:

- a) identifying a type of service to be performed on an item of content, said item of content identified in a request from said client device, said request received at a portal; (see Janik paragraph [0073], lines 19-24; paragraph [0074], lines 1-14: portal service for user requests; paragraph [0096], lines 3-5; paragraph [0098], lines 1-4: service (i.e. type, access content) requested; paragraph [0071], lines 3-8; paragraph [0072], lines 1-6: software, computer product; paragraph [0103], lines 1-2)
- b) identifying a provider of said type of service; (see Janik paragraph [0084], lines 12-17: identify server (i.e. provider) for flow of information (i.e. data flow, content); paragraph [0071], lines 3-8; paragraph [0072], lines 1-6: software, computer product) and
- c) providing information for establishing communication between said client device and said provider, wherein communication with said client device is redirected from said portal to said provider. (see Janik paragraph [0074], lines 5-11: portal system; paragraph [0085], lines 5-13; paragraph [0084], lines 12-17: provide information to establish communication between server and client (i.e. data flow between clients and content server; paragraph [0071], lines 3-8; paragraph [0072], lines 1-6: software, computer product; paragraph [0103], lines 1-2; paragraph [0160], lines 1-7: streamed delivery of content)

Regarding Claims 2, 10, 29, 37, Janik discloses the method, computer-usable medium of claims 1, 9, 28, 36 further comprising: sending said information to said client device, wherein said client device and said provider transparently establish communication. (see Janik paragraph [0084], lines 12-17; paragraph [0074], lines 11-14: system control application controls (i.e. establishment, transparently) flow of information between server and client; paragraph [0071], lines 3-8; paragraph [0072], lines 1-6: software, computer product; paragraph [0103], lines 1-2; paragraph [0160], lines 1-7: streamed delivery of content)

Regarding Claims 3, 19, 30, Janik discloses the method, computer-usable medium of claims 1, 14, 28 further comprising: identifying a source of said item of content, wherein data for said item of content is streamed to said provider from said source and wherein service result data is streamed from said provider to said client device. (see Janik paragraph [0103], lines 1-2; paragraph [0160], lines 1-7: streamed delivery of content from server (i.e. provider) to client; paragraph [0071], lines 3-8; paragraph [0072], lines 1-6: software, computer product; paragraph [0082], lines 16-18: content source; paragraph [84], lines 15-17: storage gateway, content provider to client)

Regarding Claims 4, 20, 31, Janik discloses the method, computer-usable medium of claims 1, 14, 28, wherein said type of service is identified according to information provided in said request from said client device. (see Janik paragraph [0120], lines 1-3: request processing; paragraph [0108], lines 4-13; paragraph [0109], lines 1-4:

Art Unit: 2136

determination types of services required to process content request; paragraph [0071], lines 3-8; paragraph [0072], lines 1-6: software, computer product)

Regarding Claims 5, 17, 32, Janik discloses the method, system, computer-usable medium of claims 1, 14, 28 wherein a source of said item of content is identified according to information provided in said request from said client device. (see Janik paragraph [0074], lines 5-11: portal system; paragraph [0120], lines 1-13: request provide information concerning content; paragraph [0085], lines 5-13; paragraph [0084], lines 12-17: provide information to establish communication between server and client (i.e. data flow between clients and content server))

Regarding Claims 6, 11, 22, 33, 38, Janik discloses the method, system, computer-usable medium of claims 1, 9, 14, 28, 36 wherein said service is continuously executed by said provider. (see Janik paragraph [0103], lines 1-2; paragraph [0160], lines 1-7: streamed delivery, continuous execution of content; paragraph [0071], lines 3-8; paragraph [0072], lines 1-6: software, computer product)

Regarding Claims 7, 12, 34, 39, Janik discloses the method, computer-usable medium of claims 1, 9, 28, 36 wherein startup of said service occurs in response to said client device establishing communication with said provider. (see Janik paragraph [0096], lines 3-5; paragraph [0120], lines 1-13: client request, request processing, service in response to request; paragraph [0071], lines 3-8; paragraph [0072], lines 1-6: software,

Art Unit: 2136

computer product; paragraph [0103], lines 1-2; paragraph [0160], lines 1-7: streamed delivery of content)

Regarding Claims 8, 13, 35, 40, Janik discloses the method, system, computer-usable medium of claims 1, 9, 28, 36 further comprising: causing startup of said service subsequent to identifying said provider and before said client device establishes communication with said provider. (see Janik paragraph [0159], lines 15-25: service setup; paragraph [0160], lines 1-7: communications setup between client and server; paragraph [0071], lines 3-8; paragraph [0072], lines 1-6: software, computer product; paragraph [0103], lines 1-2; paragraph [0160], lines 1-7: streamed delivery of content)

Regarding Claim 9, Janik discloses a method of servicing content for streaming to a client device, said method comprising:

- a) identifying a type of service to be performed on an item of content, said item of content identified in a request from said client device, said request received at a portal; (see Janik paragraph [0073], lines 19-24; paragraph [0074], lines 1-14: portal service for user requests; paragraph [0096], lines 3-5; paragraph [0098], lines 1-4: service (i.e. access content) requested)
- b) identifying a provider of said type of service; (see Janik paragraph [0084], lines 12-17: identify server for flow of information (i.e. data flow))
- c) providing information for establishing communication between said client device and said provider, wherein communication with said client device is redirected

from said portal to said provider, wherein data for said item of content is streamed to said provider from a source of said item of content (see Janik paragraph [0074], lines 5-11: portal system; paragraph [0085], lines 5-13; paragraph [0084], lines 12-17: provide information to establish communication between server and client (i.e. data flow between clients and content server) and d) wherein service result data is streamed from said provider to said client device. (see Janik paragraph [0103], lines 1-2; paragraph [0160], lines 1-7: streamed delivery of content)

Regarding Claim 14, Janik discloses a system for providing content to a client device, said system comprising: a service manager for receiving a request for an item of content from a portal (see Janik paragraph [0073], lines 19-24; paragraph [0074], lines 1-14: portal service for user requests), wherein said portal received said request from said client device, said service manager also for selecting a provider of a type of service to be performed on said item of content (see Janik paragraph [0084], lines 1-4: system control application (i.e. system manager), server (i.e. provider) selected), wherein communication with said client device is redirected from said portal to said provider such that communication with said client device continues via said provider, said provider for performing said service on said item of content and for forwarding service result content (see Janik paragraph [0109], lines 1-4: content processed and forwarded to client) to said client device. (see Janik paragraph [0085], lines 5-13; paragraph [0084], lines 12-17: provide information to establish communication between server (i.e.

provider) and client (i.e. data flow between client and content server)

Regarding Claim 16, Janik discloses the system of claim 14 wherein said service manager sends information identifying said provider directly to said client device, bypassing said portal. (see Janik paragraph [0074], lines 9-11: source, designated URL, IP address displayed for client at GUI)

Regarding Claims 18, 21, Janik discloses the system of claim 14 wherein a source of said item of content and type of service is identified by one of said portal, said service manager and said provider. (see Janik paragraph [0084], lines 1-4: system control application (i.e. system manager); paragraph [0084], lines 12-17: service identified, source identified for delivery to client)

Regarding Claim 23, Janik discloses the system of claim 14 wherein said service is started up and executed in response to said client device establishing communication with said provider. (see Janik paragraph [0159], lines 15-25: service setup; paragraph [0160], lines 1-7: communications between client and server (i.e. provider) established)

Regarding Claim 24, Janik discloses the system of claim 14 wherein said service manager directs said provider to start up said service upon selection of said provider. (see Janik paragraph [0084], lines 1-4: system control application (i.e. system manager); paragraph [0084], lines 12-17: provider selected, setup for service (i.e.

Art Unit: 2136

content access))

Regarding Claim 25, Janik discloses a system for streaming content to a client device, said system comprising: a service manager for receiving a request for an item of content from a portal (see Janik paragraph [0073], lines 19-24; paragraph [0074], lines 1-14: portal service for user requests), wherein said portal received said request from said client device, said service manager also for selecting a provider of a type of service to be performed on said item of content, wherein communication with said client device is redirected from said portal to said provider such that communication with said client device continues via said provider, wherein said item of content is streamed from a content source to said provider, said provider for performing said service on said item of content and for streaming service result content to said client device. (see Janik paragraph [0085], lines 5-13; paragraph [0084], lines 12-17: provide information to establish communication between server and client (i.e. data flow between clients and content server; paragraph [0103], lines 1-2; paragraph [0160], lines 1-7: streamed delivery of content)

Regarding Claim 26, Janik discloses the system of claim 25 wherein said service manager sends information identifying said provider to said client device via said portal. (see Janik (see Janik paragraph [0073], lines 19-24; paragraph [0074], lines 1-14: portal service for user requests, content information (URL, IP address) at portal interface)

Regarding Claim 27, Janik discloses the system of claim 25 wherein said service manager sends information identifying said provider directly to said client device, bypassing said portal. (see Janik paragraph [0192], lines 1-8: automated content download, server (i.e. provider) accessed directly by client for content delivery)

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlton V. Johnson whose telephone number is 571-270-1032. The examiner can normally be reached on Monday thru Friday , 8:00 - 5:00PM EST.

Art Unit: 2136

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

C.J.

CVJ

July 23, 2007

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8,507

Carlton V. Johnson
Examiner
Art Unit 2136